PARMAR SSC

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Parliament Part-1



Part V- Parliament (Article 79-122)

Article 79

Constitution of Parliament

There shall be a Parliament of India that consists of: The President + Two Houses (LS+RS)


Lok Sabha


Rajya Sabha


President

Lok Sabha : It is Non-Permanent House which is also Known as 1st Chamber or Lower House or House of People (Hindi name adopted in 1954)

- First sitting: 13 May 1952
- Constituted on: 17 April, 1952
- Members elected directly by the people

President

- President is an integral part of Parliament.
- No Bill becomes law without his assent.

Rajya Sabha : It is Permanent House which is also Known as 2nd Chamber or Houe of Elders or Upper House or Council of States (Hindi name adopted in 1954)

- First sitting: 13 May 1952
- Constituted on: 3 April, 1952
- Represents States.
- Also known as the 'House of Elders'.

Parliamentary System is Borrowed from UK (Westminster Model)

Article 80

Composition of Council of States (Rajya Sabha)

Total Members : 250

- 238 Elected Members
- 12 nominated by the President from the field of .Literature, Science, Arts, Social Service (LiSAS)

"
- Present strength of RS: 245 (233 elected, 12 nominated)
- 5 seats are vacant for PoK, Aksai Chin, etc.

"

Representation in RS:

Members are indirectly elected by means of Proportional Representation and Single Transferable Vote (STV)

- Election of RS members is borrowed from South Africa.
- Nomination of RS members is taken from Ireland.

Note

There is Unequal representation in RS (based on population)

- Uttar Pradesh - 31
- West Bengal - 16
- Bihar - 16
- Maharashtra - 19
- Tamil Nadu - 18
- Gujarat- 11
- Odisha - 10
- Assam - 7
- Jharkhand - 6
- Jammu & Kashmir - 4
- Uttrakhand - 3
- Manipur - 1
- Mizoram - 1
- Puducherry - 1
- Tripura - 1
- Andhra Pradesh -11
- Rajasthan- 10
- Punjab - 7
- Chhatisgarh - 5
- Himachal Pradesh - 3
- Arunachal Pradesh -1
- Meghalaya - 1
- Nagaland - 1
- Sikkim - 1
- Karnataka - 12
- Madhya Pradesh - 11
- Kerala - 9
- Telangana - 7
- Haryana - 5
- Delhi - 3
- Goa- 1

Vote Share of 2014 General Elections (An Example of First Past the Post System)

Rank	Party	Vote-share (%) in 2014 (approx
1	Bharatiya Janata Party (BJP)	~ 31.0 %
2	Indian National Congress (INC)	~ 19.3 %
3	Bahujan Samaj Party (BSP)	~ 4.2 %
4	All India Anna Dravida Munnetra Kazhagam (AIADMK)	~ 3.27 %
5	All India Trinamool Congress (AITC / TMC)	~ 3.84 %
6	Communist Party of India (Marxist) (CPI-M)	~ 3.25 %
7	Biju Janata Dal (BJD)	~ 1.71 %
8	Nationalist Congress Party (NCP)	~ 1.56 %

Seats Won by Political parties in 2014 General Election.

Party / Party-alliance	Seats won in 2014
• Bharatiya Janata Party (BJP)	282
• Indian National Congress (INC)	44
• All India Anna Dravida Munnetra Kazhagam (AIADMK)	37
• Biju Janata Dal (BJD)	20
• Telugu Desam Party (TDP)	16

Article 81

Composition of House of the People (Lok Sabha)

Total Seats: 550

- 530 from states
- 20 from Union Territories

> • Present strength: 543 elected members.
> • 2 Anglo Indians were nominated by President under Article 331, however this provision was removed later through 104th CAA,2019.

Representation in LS:

- Direct elected by citizens.
- Parity maintained among Inter and Intra States.

Lok Sabha Seats of States

Andhra Pradesh	25	Nagaland	1
Arunachal Pradesh	2	Odisha	21
Assam	14	Punjab	13
Bihar	40	Rajasthan	25
Chhattisgarh	11	Sikkim	1
Goa	2	Tamil Nadu	39
Gujarat	26	Telangana	17
Haryana	10	Tripura	2
Himachal Pradesh	4	Uttar Pradesh	80
Jammu and Kashmir	5	Uttarakhand	5
Ladakh	1	West Bengal	42
Jharkhand	14	Andaman and Nicobar	1
Karnataka	28	Chandigarh	1
Kerala	20	Dadra and Nagar Haveli	1
Madhya Pradesh	29	Daman and Diu	1
Maharashtra	48	NCR, Delhi	7
Manipur	2	Lakshadweep	1
Meghalaya	2	Puducherry	1
Mizoram	1		



Green colour in Lok Sabha represents that India is an agricultural land and people here elected from grassroots level.



Red colour in Rajya Sabha represents royalty and symbolises the sacrifices done by the freedom fighters and the blood they shed to gain independence for India.

Article 82

Readjustment after Each Census

Delimitation Commission established after every Census (in 10 years) to Divide constituencies based on population.

Important Delimitation Acts:

- 1st: 1952
- 2nd: 1962
- 3rd: 1972
- 4th: 2002.

"Delimitation" means the act or process of fixing limits or boundaries of territorial constituencies.

Key Amendments:

- 42th CA (1976): Seats were fixed based on 1971 Census until 2000.
- 84th CA (2001): Freeze on Delimitation Commission extended till 2026.
- 87th CA (2003): Minor adjustments, Delimitation according to 2001 Census

> "Requirement for a candidate contesting election to RS from a particular state should be an elector in that particular state was dispensed with in 2003."

Article 83 Duration of Houses

Rajya Sabha

- Permanent body; not subject to dissolution.
- 1/3rd members retire every 2 years;
- Term of members of RS is 6 years.

Lok Sabha

- Tenure: 5 years.
- Note: Maximum gap between sessions cannot exceed 6 months.
- Can be extended during national emergency (one year at a time).
- Elections must be held within 6 months after the end of emergency.

Article 84

Qualifications for Membership of Parliament

- Must be a citizen of India.
- Minimum required age: 30 years (Rajya Sabha), 25 years (Lok Sabha)
- Other qualifications as prescribed by Parliament.

Article 85

- Sessions of Parliament, Prorogation, and Dissolution on the advice of Council of Ministers.

Parliamentary Sessions: (summoned by the President)

- Budget Session: February to April
- Monsoon Session: July-August
- Winter Session: December

- **Prorogation** : Ends a session (by President).
- **Dissolution** : Formal termination of the current Lok Sabha session (by President).
- **Adjournment** : Temporary break within a session where a sitting is terminated (by Presiding Officer).
- **Adjournment Sine Die** : By Presiding Officer who Ends the session meeting without fixing a date for next session, happens just before prorogation.
- **The adjournment motion** is introduced in the Parliament to draw the attention of the house to a definite matter of urgent public importance and needs the support of 50 members to be admitted.

Some other Parliamentary motion/Procedures:

- **Closure Motion:** A motion moved by a member to cut short the debate on a matter before the house.
- **Call Attention Motion**: It is introduced in Parliament by a member to call the attention of a minister on a matter of public importance.
- **Point of Order:** It is raised when the proceedings of the house do not follow the normal rules of procedure. No debate is allowed on Point of Order.

Censure Motion

- Reason must be stated
- Can be moved against an individual, group, or entire council
- To target for some specific policies/actions
- If passed - no resignation required

No-Confidence Motion

- No reason required
- Can be moved against entire council only.
- To tests majority support (confidence) of LS in CoM.
- If passed - resignation is mandatory

Types of Questions:

- **Starred**: Oral question-answers, can have supplementary questions.
- **Unstarred**: Required written answers, No Supplementary questions could follow.
- **Short Notice**: 10 days prior notice should be given.

Routine of a Session:

- 11 AM: Start
- 11 AM-12 PM: Question Hour
- 12-1 PM: Zero Hour (Agenda of the day is decided)
- Question could also be asked to private members. (A private member is the one who is not a minister.)

Article 86

Right of President to Address and Send Messages

- President can address either House or both Houses jointly.
- President can send messages regarding pending Bills or other matters.

Article 87

Special Address by the President.

- President addresses both Houses: At the first session after each general elections and the first session of each fiscal year.

Motion of Thanks follows the address.

Article 88

Rights of Ministers and Attorney General

- Right to speak in either House but can vote only in that house of which they are a member.
- Attorney General is not a member of either house but has the right to speak in LS/RS, without having Right to Vote.

Article 89

Chairman and Deputy Chairman of Rajya Sabha

Chairman:

- Vice President of India (Ex-officio).
- He is not a member of RS.

Deputy Chairman:

- Elected by Rajya Sabha.
- Fulfills duties as the Acting Chairman in absence of the Chairman.
- He is a member of RS.
- While the Chairman is presiding the house, he is like any other member of the house.

Article 90

Vacation, Resignation, Removal of Deputy Chairman

- **Resignation**: By writing to the Chairman.
- **Removal** by Effective majority of the total membership of the Rajya Sabha.

(Effective Majority = Majority of the total membership of house - Vacancies)

Article 91

Power/Duty of Deputy Chairman

Presides in absence of Chairman.

- When Seats of Chaiman and Deputy Chairman are vacant: Then President can choose any member from the house to discharge duties of RS.
- If the Chairman and DC, both are absent, then: One member of the Panel of Vice-Chairpersons, appointed by the Chairman, presides. (This is not explicitly mentioned in Constitution).

Article 92

Chairman and Deputy Chairman Not to Preside During their removal

- They can participate in proceedings but cannot preside during their own removal resolution.
- Can vote in first instance but not in the case of tie (casting vote exercised by Presiding Officer).
- Chairman does not have the casting vote rights in this case, as he is not a member of RS.

P.T. Usha: first woman to be appointed in the RS panel of Vice-Chairpersons.

Article 93

Speaker and Deputy Speaker of Lok Sabha

- Elected by Lok Sabha members by Simple Majority.
- First Speaker: Ganesh Vasudev Mavalankar.
- First Deputy Speaker: M. A. Ayyangar.

Note:
No Deputy Speaker appointed since 2019.

Article 94

Vacation, Resignation, Removal of Speaker and Deputy Speaker

- Resignation: Speaker resigns to Deputy Speaker and vice-versa.
- Removal: by Effective majority.
- Speaker continues till a new Speaker is elected,
- He does not immediately resign after the dissolution of LS and continue till the newly elected LS meets.

> "Date of election of Speaker is fixed by the President, and that of deputy speaker is fixed by speaker."

Article 95

Powers to Perform Duties

- Deputy Speaker presides when Speaker is absent.
- If the Seat is vacant: then President can choose any member to discharge the duties.
- If the speaker and Deputy speaker, both are absent, then : one member of the Panel of Chairpersons, appointed by the Speaker presides.

Article 96

Speaker and Deputy Speaker Not to Preside During Their Removal.

- They can participate but cannot preside while a motion for their removal is under discussion. (The Speaker's right to vote in the first instance is retained, but has no right to casting their vote in the case of tie.)

Note: Deputy speaker is not subordinate to the Speaker.

Article 97

Salaries and Allowances

- Salaries of Chairman and Deputy Chairman of Rajya Sabha and Speaker and Deputy Speaker of Lok Sabha-are decided by Parliament.

Article 98

Secretariat of Parliament

- Each House has its separate secretarial staff.
- Secretariat appointed by President on advice of the Speaker of the LS and Chairman of RS.

Article 99

Oath or Affirmations by Members

- Every member of either House must take oath before taking his seat as administered by the President or a person appointed by him.

Protem Speaker:
Senior-most member appointed temporarily by President to administer oath to members.

- Bhartruhari Mehtab has served as Protem Speaker from 24th June 2024 to 26th June 2024 after 2024 General Elections.

Article 100

Voting in Houses and Quorum

- **100(1)** : The Chairman or Speaker shall not vote in the 1st instance but shall exercise a casting vote in case of a tie.
- **100(3)** : Quorum:Minimum 1/10th of total strength of House is required to carry on the proceedings.
- **100(4)** : If quorum is not met, house is adjourned by the presiding officer.

Article 101

Vacation of Seats

- **101(1)** : No person shall be a member of both Houses of Parliament.
- **101(2)** : No person can be a member of State Legislature and a member of Parliament.
- **101(3)** : Members can be disqualified as mentioned in Article 102
- **(100 3A)** : A member can resign his seat to the Chairman or Speaker.
- **101(4)** : If a member of either of the Houses of Parliament is absent without permission for a period of 60 days, the house may declare the seat vacant.

> **RPA**: Representation of People Act, 1951 Jail for more than two years lead to disqualification.

Article 102

102 (1): A person shall be disqualified for membership if :

- (a) He holds any office of profit under the Union or State Government.
- (b) He is of unsound mind, as declared by a competent court.
- (c) He is an undischarged insolvent.
- (d) He is not a citizen of India.

102(2) : Disqualification under 10th Schedule- Defection On the grounds of:

- Independent members join any political party.
- Nominated members join the political party after 6 months from the date of his nomination.
- If he votes contrary to the direction of his party.
- If the member voluntarily gives up the membership of the party on whose ticket he has been elected.

Exception: Merger when 2/3rd members leave and join other political party (91st CA, 2003)

Kihoto Hollohan vs Zachilhu Case:

Judiciary can review the Final decision of the Speaker in case of disqualification under Defection.

Decision of the Speaker is final with regard to disqualification under defection.

Article 103

Decision on Questions of Disqualification

- **103(1)** Decision of the President shall be deemed final if question arises over disqualification of any member of the either house.
- **103(2)** President must obtain the opinion of the Election Commission before giving his final decision.

Article 104

Penalty for Sitting and Voting When Disqualified or before making an oath or affirmation under Article 99

- If any person sits or votes knowing they are disqualified, a penalty of Rs. 500 per day is charged for the period he/she sat or voted.

Article 105

Powers, Privileges, and Immunities of Parliament Members

- **105 (1)** : Freedom of speech in Parliament.
- **105(2)** : No proceedings in Parliament can be questioned in any court of law.
- No MP liable for anything said or any vote given in Parliament.
- **105(3)** : MPs enjoy protection from civil arrest during a session and 40 days before and after the session (by parliamentary convention).

This protection does not apply to criminal arrest or preventive detention

Note:
Protection of the President from criminal proceedings is under Article 361, not Article 105)

Article 106

Salaries and Allowances of Members

Parliament may by law fix salaries and allowances of members of both the Houses.

From the Previous Lecture
(PM and Council of Ministers)

Article 73 : Extent of executive power of the Union

Subject to the provisions of this Constitution, the executive power of the Union shall extend:

- (a)to the matters with respect to which Parliament has power to make laws; and
- (b)to the exercise of such rights, authority and jurisdiction as are exercisable by the Government of India by virtue of any treaty on agreement: